



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

OCT 05 2016

REPLY TO ATTENTION OF
REGULATORY BRANCH

Regulatory File No. 2016-00537-KJH

Dale Clark
CK Enterprises, LLC
8467 Arbor Trace Drive
Verona, Wisconsin 53593

Dear Mr. Clark:

We have completed our evaluation of your prospectus for the Big Hollow Wetland Mitigation Bank, located in Sauk County, Wisconsin. Based on our review of your prospectus and Interagency Review Team (IRT) comments, we agree that from a technical perspective, the proposed bank has the potential to generate compensatory mitigation credits for activities authorized by Department of the Army permits. However, we have determined that the proposed bank is unlikely to be approved. The rationale for this determination is discussed in greater detail below.

The bank site is located approximately 2.84 miles from the Tri-County Regional Airport and is in direct approach and departure airspace of Runway 9/27. The Wisconsin Department of Transportation-Bureau of Aeronautics (BOA) and the U.S. Department of Agriculture (USDA), APHIS-Wildlife Services have determined that this proposal has the potential to be a hazardous wildlife attractant to the Tri-County Regional Airport.

In accordance with 33 CFR 332.3(b), compensatory mitigation projects should not be located where they will increase risks to aviation by attracting wildlife to areas where aircraft-wildlife strikes may occur. In addition, the Department of the Army (DA) is a signatory on the federal Memorandum of Agreement (MOA) to Address Aircraft-Wildlife Strikes. The MOA identifies the development of mitigation projects that could attract wildlife hazardous to airports as one of the major activities of most concern. Under the terms of the MOA, the Corps agreed to use recommendations provide in FAA Advisory Circular 150/5200-33 which discourages the siting of proposals such as yours within 5 miles of an airport when in approach or departure airspace.

The attached letter from BOA includes several measures to mitigate the potential to attract wildlife hazardous to aviation. The ability to enforce the measures recommended and the compatibility of any future actions needed to mitigate wildlife hazards is of high concern.

For these reasons, it is unlikely that your project will be approved. Due to gravity of the concerns, we do not recommend you pursue going forward. If you do choose to pursue the project further, please carefully consider these issues and work directly with the USDA APHIS Wildlife Services, BOA, and Tri-County Regional Airport to reach a resolution. If you are considering moving forward, we request you provide a written determination from those agencies documenting that the proposal will either not result in a hazardous wildlife attractant or an acceptable agreement has been reached concerning measures to mitigate wildlife hazards.

In addition, we previously sent you other IRT comments and comments received in response to the public notice. Below is a list of concerns to note:

- **Big Hollow Drainage Ditch and Adjacent Properties**
Several comments and concerns involving potential impacts to the Big Hollow Drainage Ditch and adjacent properties have been received. It is our understanding that you are or will be undertaking detailed hydrologic studies. The findings of these studies and documentation on what design elements are included to avoid such potential impacts must be included in future submittals.
- **Hydrology**
Establishing a stable hydrologic regime on the site will be a challenge as hydrology would largely be driven by "flashy" surface water flows as opposed to a groundwater. The prospectus mentions berms and scrapes may be utilized. Berms and scrapes are generally not preferred but considering site topography, may be necessary in this case. If berms and/or scrapes are proposed, they must be designed with consideration to the above discussion on hazardous wildlife attractants.
- **Upland Buffer**
The upland buffer as currently proposed appears inadequate, particularly in areas on the southern and northern boundaries. Upland buffer should be expanded where feasible or a discussion must be included as to why buffers cannot be expanded. Dependent on evaluation of additional information, the use of vegetated (wetland) buffers may be required.

If you have any questions, please contact Kerrie J. Hauser in our La Crescent office at (651) 290-5903 or kerrie.j.hauser@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



Chad S. Konickson
Chief, Regulatory Branch

Enclosure(s)

cc:

Sue Elston, EPA-Region 5
Pam Schense, WDNR
Steve Eggers, USACE
Chris Egger, WisDOT BOA
Jack Gilbertsen, FAA
Chip Lovell, USDA-APHIS
Leslie Day, USACE
Jeff Kraemer, Stantec